

REMARKS

The present application was filed on March 9, 2001, with claims 1-22.

Claims 1-3, 5, 12 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,721,278 (hereinafter "Rimhagen").

Claims 18, 19, 21 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rimhagen alone or in view of U.S. Patent No. 6,072,792 (hereinafter "Mazur") or U.S. Patent No. 5,914,950 (hereinafter "Tiedemann").

Claims 4, 6-11 and 13-17 are indicated as containing allowable subject matter.

Applicants respectfully request reconsideration of the present application in view of the amendments above and the following remarks.

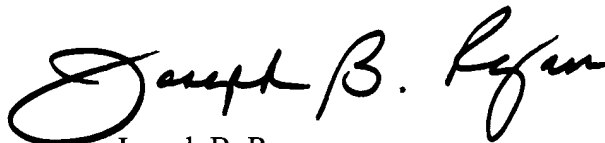
Applicants initially traverse the §102(e) and §103(a) rejections on the ground that Rimhagen fails to teach or suggest the identification of a particular user as a maximum-rate user after application of coefficients of a revenue vector to corresponding feasible rates of a plurality of users, with the revenue vector being determined in an iterative manner using an adaptive algorithm, as recited in the independent claims as originally filed. The Examiner relies on the teachings in column 2, line 39, to column 3, line 15, of Rimhagen as being allegedly anticipatory of these claim limitations, but it is believed that the relied-upon portions of Rimhagen fail to meet the limitations in question. The Mazur and Tiedemann references fail to supplement this fundamental deficiency of Rimhagen as applied to the independent claims. Accordingly, the §102(e) and §103(a) rejections are believed to be improper, and should be withdrawn.

Notwithstanding the foregoing traversal, Applicants have amended the claims to rewrite allowable dependent claims 4, 6-9, 13 and 17 in independent form. Claim 1 has been canceled, with corresponding adjustments being made to the dependencies of certain dependent claims. Also, the limitations of allowable dependent claim 4 have been incorporated into independent claims 20, 21 and 22.

In view of the traversal, Applicants respectfully submit that the claim amendments made herein are not made for purposes of patentability relative to Rimhagen, Mazur, Tiedemann or any other prior art of record, but are instead made solely in order to expedite the prosecution of the present application.

For the reasons identified above, it is believed that claims 2-22 are in condition for allowance, and such favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" being more prominent and the last name "Ryan" following in a similar style.

Date: July 5, 2005

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